REMARKS

Rejections Under 35 U.S.C. § 103

Vrijsen teaches that the degradation of quercetin was prevented by ascorbate because of the presence of the free hydroxyl group in the 3-position, which oxidizes unless protected. Vrijsen also teaches that when the free hydroxyl group is lacking antiviral activity is not noticeably enhanced by ascorbate. See page 1751, lines 3-7. There is no hydroxyl group in the corresponding position in isoquercetin, and thus, one of ordinary skill in the art would have found the teachings of the reference irrelevant to isoquercetin, which has a sugar molecule attached in the 3-position. Nothing in the reference teaches or suggests that ascorbate would enhance the activity of a quercetin derivative other than one that has a hydroxyl group in the 3-position. Accordingly, this reference does not render the claimed invention obvious.

New claims 30-33 are further distinguished from the references in that the site of the biological activity is specified as the brain or in that brain function decline is treated. See, for example, first two lines of page 2, and the last paragraph on page 4 in specification for support.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

Csaba Henter, Reg. No. 50,980
Anthony J. Zelano, Reg. No. 27,969
Attorneys for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Date: October 1, 2004
\\homer\Clients\Merck\2213\Reply July 04.doc